

REMARKS

Claims 15-36 are currently pending in this application, with Claims 15, 22, 25, 30, and 34 being independent in form.

In the Office Action, Claims 15-36 are again rejected under 35 U.S.C. §102(e) as being anticipated by *Baum et al.* (U.S. 2004/0190482).

Regarding the §102(e) rejection of independent Claims 15, 22, 25, 30, and 34, the Examiner asserts that *Baum* explicitly teaches all the recitations of these claims.

Baum is directed to a downlink frame that is divided into similar sized resource blocks with each co-channel sector scheduled to transmit from the beginning of its respective assigned resource block. Transmissions to remote units within the particular sector will occur only within the particular resource block, up to a point where all N resource units have been utilized. Beyond that point, additional transmissions are scheduled to be transmitted at the end of the resource blocks assigned to the other sectors.

Regarding independent Claims 15, 22, and 30, as previously argued, these claims recite, among other things, that information on the number of unit resources corresponding to each of the plurality of bursts is added to a MAP, which is then transmitted. The Examiner cited paragraph [0030] and the Abstract of *Baum* as allegedly teaching this recitations, specifically noting, “*Baum* discloses each resource block will be provided N resource units.” For ease of comparison paragraph [0030] reads as follows:

[0030] Even though each resource block may have a different size, for simplicity of description each resource block will be provided N resource units. Also, for simplicity of description, the entire frame is divided into resource units, however, as will be come evident below, the whole frame need not be broken up into resource blocks. In general, some additional portions of the frame may also be present (e.g., synchronization information, etc.)

As can be seen above, although *Baum* teaches that each resource block will be provided N resource units, as asserted by the Examiner, this still does not read on the recitations of independent Claims 15, 22, and 30, i.e., that that information on the number of unit resources corresponding to each of the plurality of bursts is added to a MAP, which is then transmitted. There is nothing in this cited section or any other section of *Baum* that teaches adding information on the number of unit resources corresponding to each of the plurality of bursts to a MAP, and then transmitting the MAP.

Additionally, paragraphs [0031] and [0033] of *Baum* recite that each sector within communication system 100 is assigned a particular resource block, and that one may equate a resource unit with a transmission to a particular mobile unit. That is, *Baum* merely teaches that a base station assigns one resource block to each sector and assigns one resource unit to the transmission for each mobile unit (i.e., each subscriber station) in each sector. As such, according to *Baum*, because one resource unit among a plurality of resource units included in the resource block is assigned to the mobile unit, the mobile unit does not need to know the number of resource units included in the resource block. In addition, because the resource block of *Baum* is only assigned to the sector, the base station does not need to provide information on the resource block to the mobile unit. Accordingly, *Baum* does not teach that a base station

transmits a MAP including information on a number of unit resources corresponding to each of the plurality of bursts to the subscriber station.

In response to these arguments, the Examiner again refers to FIG. 5 and its description in paragraphs [0034] – [0038] of *Baum* as allegedly teaching adding, to a map, information on the number of unit resources corresponding to each of the plurality of bursts. However, Applicants still disagree.

Neither FIG. 5 nor paragraphs [0034] – [0038] of *Baum*, teach adding, to a map, information on the number of unit resources corresponding to each of the plurality of bursts. Rather, FIG. 5 merely illustrates the resource units mapped to the downlink frame. The downlink frame does not include information on the number of unit resources corresponding to each of the plurality of bursts.

Further, referring to paragraph [0031], *Baum* recites “[i]n the preferred embodiment of the present invention each sector within communication system 100 is assigned a particular resource block 403, 405, 407 within frame 401 for downlink transmissions.” That is, *Baum* teaches that one resource block is allocated to one sector. Further, referring to paragraph [0033], *Baum* recites “[i]t should be noted that while one may equate a resource unit with a transmission to a particular mobile unit, transmissions to mobile units need not occur in the same resource unit within consecutive frames, and in additionally [sic] may occur over multiple resource units within the frame. Therefore, it is more accurate to refer to the amount of data to be transmitted in terms of number of resource units to be scheduled.” That is, *Baum* teaches that one resource unit is allocated to a transmission to one subscriber station and the number of resource units is determined by the amount of data.

As such, *Baum* merely teaches that the resource block is allocated to the sector, not the subscriber station, and each subscriber station uses one resource unit in one transmission. Therefore, in *Baum*, each subscriber station is not required to know the number of resource units allocated to the resource block, and information on the number of resource units allocated to the resource block is not provided to the subscriber station. Accordingly, *Baum* does not teach that information on the number of unit resources corresponding to each of the plurality of bursts is added to a map and the map is transmitted to the subscriber station.

Further, independent Claim 22 also recites adding a user identification corresponding to each of the plurality of bursts to the MAP. However, the Examiner previously failed to address this recitation of Claim 22, as the Examiner rejected independent Claims 15 and 22 together in a single rejection, only addressing the recitations of Claims 15. Accordingly, in addition to the argument above, Applicants previously argued that the Examiner had failed to make a *prima facie* rejection of Claim 22, as the Examiner has not addressed all the recitations of this claim. Although the Examiner at least now appears to be acknowledging this recitation in the Response to Arguments, the Examiner still fails to address this recitation in the actual rejection of Claim 22. Further, because the Examiner clearly failed to previously make a *prima facie* rejection of Claim 22, the Finality of the current Office Action is premature and should be withdrawn.

Regarding the Examiner's assertion in the Response to Arguments that "Baum teaches in at least paragraph [0047] teaches that information that is labeled with a broadcast user ID can be placed in the most robust of the control channel resource units, also it is well known in the art that if the base station is going to transmit to the subscriber station it would have to include the id of the user station," it is respectfully submitted that this does not anticipate adding a user identification corresponding to each of the plurality of bursts to the MAP, as recited in independent Claim 22.

First, it is respectfully submitted that “information that is labeled with a broadcast user ID can be placed in the most robust of the control channel resource units” is an not equivalent of adding a user identification corresponding to each of the plurality of bursts to the MAP. Second, the Examiner’s assertion “also it is well known in the art that if the base station is going to transmit to the subscriber station it would have to include the id of the user station,” is not appropriate for an anticipation rejection, as the Examiner is actually admitting that this is not taught in the cited reference, but appears to relying on the Examiner’s own knowledge regarding a details that are not capable of instant and unquestionable demonstration as being well-known.

Additionally, independent Claim 30 further recites inserting the MAP into a frame and then transmitting the frame. The Examiner cites the Abstract of *Baum* as allegedly teaching this recitation of independent Claim 30. However, as previously argued, there is nothing in the Abstract of *Baum* the even mentions a MAP, or inserting a MAP into a frame and then transmitting the frame. The Examiner fails to respond to this traversal, rendering the Final Office Action incomplete as to all matters; another reason for which the Finality should be withdrawn.

Accordingly, it is respectfully requested that the Examiner address the substance of all of our arguments in the next Office Action.

MPEP §2131 Anticipation clearly states that to anticipate a claim, the reference must teach every element of the claim. In addition, The United States Court of Appeals for the Federal Circuit has consistently held “that unless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102.” Net Moneyin, Inc., v.

Verisign, Inc., 545 F.3d 1359 (Fed. Cir. 2008). As shown above, *Baum* does not disclose within the four corners of the document all of the limitations claimed, nor does *Baum* disclose all of the limitations arranged or combined in the same way as recited in each of independent Claims 15, 22, and 30.

Therefore, based at least one the foregoing, it is respectfully submitted that independent Claims 15, 22, and 30 are not anticipated by *Baum*, and it is respectfully requested that the rejection be withdrawn.

Regarding the §102(e) rejection of independent Claim 25, as previously argued, this claim is also not anticipated by *Baum*. Claim 25 recites, among other thing, a MAP including information on the number of unit resources corresponding to each of the plurality of bursts. The Examiner again cites paragraph [0030] as allegedly teaching this recitation of Claim 25. However, as shown above, there is nothing in paragraph [0030] that could reasonably be construed as teaching a MAP including information on the number of unit resources corresponding to each of the plurality of bursts. Paragraph [0030] merely teaches that each resource block will be provided N resource units. Accordingly, it is respectfully submitted that *Baum* does not disclose within the four corners of the document all of the limitations claimed, nor does *Baum* disclose all of the limitations arranged or combined in the same way as recited in independent Claim 25.

Therefore, based at least one the foregoing, it is respectfully submitted that independent Claim 25 is not anticipated by *Baum*.

Regarding the §102(e) rejection of independent Claim 34, it was also previously argued that this claim is not anticipated by *Baum*. Claim 34 recites, among other thing, searching

information on a designated burst in a common control block; checking the number of unit resources allocated to the designated burst from the information on the designated burst; searching the designated burst according the number of unit resources to receive the designated burst; and terminating the receiving operation when the designated burst is received. The Examiner cited the Abstract, FIG. 4, and paragraph [0029] as allegedly teaching, “searching information on a designated burst in a common control block,” stating that “*Baum* discloses dividing a downlink frame into a plurality of resource blocks.” Further, the Examiner cited FIG. 14. However, none of these cited sections teach, “searching information on a designated burst in a common control block.” Further, FIG. 4 illustrates a downlink frame structure, and FIG. 14 illustrates an OFDM time-frequency grid and a time-frequency element (TFE) consisting of K subcarriers and L time intervals. There is nothing in the description of either of these figures that teaches, “searching information on a designated burst in a common control block,” as recited in independent Claim 34.

Additionally, the Examiner again cited paragraph [0030] as allegedly teaching checking the number of unit resources allocated to the designated burst from the information on the designated burst, and searching the designated burst according the number of unit resources to receive the designated burst. However, as shown above, there is nothing in paragraph [0030] that could reasonably be construed as teaching checking the number of unit resources allocated to the designated burst from the information on the designated burst, and searching the designated burst according the number of unit resources to receive the designated burst. Paragraph [0030] merely teaches that each resource block will be provided N resource units.

Finally, the Examiner cited the Abstract of *Baum* as allegedly teaching “terminating the receiving operation when the designated burst is received.” However, the Abstract of *Baum* fails

to make any reference to terminating any operation, nor does it teach “terminating the receiving operation when the designated burst is received,” as recited in independent Claim 34.

Accordingly, Applicants previously argued that *Baum* does not disclose within the four corners of the document all of the limitations claimed, nor does *Baum* disclose all of the limitations arranged or combined in the same way as recited in independent Claim 34.

In response to these arguments, the Examiner now refers to FIG. 4 and paragraph [0031] as allegedly teaching these recitations. However, Applicants disagree, as there is nothing in FIG. 4 or paragraph [0031] that actually teaches (1) checking the number of unit resources allocated to the designated burst from the information on the designated burst, (2) searching the designated burst according the number of unit resources to receive the designated burst, or (3) terminating the receiving operation when the designated burst is received.

Therefore, based at least one the foregoing, it is respectfully submitted that independent Claim 34 is not anticipated by *Baum*. Accordingly, withdrawal of the §102(e) rejection of Claim 34 is respectfully requested.

Claims 16-21, 23, 24, 26-29, 31-33, 35, and 36 are dependent claims, and are believed to be in condition for allowance for at least the reasons given above with regard to their respective independent Claims 15, 22, 25, 30, and 34.

PATENT APPLICATION No. 10/581,425
Docket No.: 1403-5 PCT-US (OPP061078 US)

Accordingly, all of the claims pending in the Application, namely, Claims 15-36, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Douglas M. Owens III
Reg. No. 51,314
Attorney for Applicants

THE FARRELL LAW FIRM, LLP
290 Broadhollow Road, Suite 210E
Melville, New York 11747
Tel: (516) 228-3565
Fax: (516) 228-8475